

<b>RAIN AND HAIL, LLC</b>	)	<b>AGBCA No. 2005-162-F</b>
(Larry Hunt, Policy # MP-389640)	)	
	)	
Appellant	)	
	)	
<b>Representing the Appellant:</b>	)	
	)	
Bruce B. Green, Esquire	)	
Willson and Pechacek, P.L.C.	)	
P. O. Box 2029	)	
Council Bluffs, Iowa 51502	)	
	)	
<b>Representing the Government:</b>	)	
	)	
John P. Vos, Esquire	)	
Office of the General Counsel	)	
U. S. Department of Agriculture	)	
STOP 1401, P. O. Box 419205	)	
Kansas City, Missouri 64141-6205	)	

## **ORDER OF THE BOARD OF CONTRACT APPEALS**

**July 18, 2006**

### **Opinion for the Board by Administrative Judge POLLACK.**

By letter of August 25, 2005, Ace Property and Casualty Insurance f/k/a Cigna Property and Casualty Company and Rain and Hail, LLC (Appellants) filed a notice of appeal regarding a dispute under a 1997 Standard Reinsurance Agreement between Appellants and the Federal Crop Insurance Corporation (FCIC). More specifically, Appellants appealed the Corrected Final Administrative Determination of the Deputy Administrator for Risk Compliance, Risk Management Agency, issued in Compliance Case No. CRCO-344. In that determination, the Deputy Administrator had concluded that Appellants had overpaid \$77,711 in indemnities and had overstated premium by \$26,473 on multi-peril crop insurance policies issued to Larry Hunt for the 1998 crop year.

After filing pleadings, the Board and parties discussed further scheduling, including setting aside dates in May 2006 for a hearing on the matter. That hearing date was postponed. However, before the Board and parties set a new date, the Board was advised by the parties that a settlement had been reached. Appellant then filed a Dismissal With Prejudice dated May 24, 2006. On May 30, 2006, the Board received a letter from counsel for FCIC confirming that there had been an agreement and

providing a copy of the settlement agreement, as executed by the Deputy Administrator for Risk Compliance and counsel for the FCIC.

**DECISION**

Based on the Dismissal With Prejudice filed by Appellant, the Board dismisses the matter with prejudice.

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**HOWARD A. POLLACK**

Administrative Judge

**Issued at Washington, D.C.**

**July 18, 2006**